

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UNIMAX TOYS LIMITED,

Opposer,

V.

GENERAL CREATION LIMITED,

Applicant.

Opposition No. 911553843

Application Serial No. 76/323,382

## OPPOSER'S MOTION FOR DEFAULT JUDGMENT

To: Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202  
Attn: Box TTAB

On November 19, 2002, Opposer, Unimax Toys Limited, filed a Notice of Opposition against Application Serial No. 76/323,382 for the mark TENDER TOUCH.

On December 12, 2002, the Trademark Trial and Appeal Board mailed a notice stating, among other things, that Applicant's answer is due forty days after the mailing date, i.e., Applicant's answer or other response was due January 21, 2003.

As of February 12, 2003, no answer or a request for extension of time to answer has been filed or served. To the contrary, Applicant sent a letter dated January 15, 2003, stating "...[Applicant] would like to take whatever action necessary to have this entire process dismissed..." and would "...take any action necessary to terminate [Applicant's] trademark application for Tender Touch." (Letter to L. Saret (Attorney for Opposer) from K. Russell (General Creation) attached as Ex. 1).

Therefore, Opposer moves that its Notice of Opposition be decided pursuant to default according to Trademark Rule 2.114.

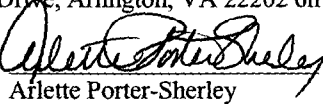
WHEREFORE, Opposer prays that this Motion be granted, and that a default judgment be entered.

Dated: Feb. 12, 2003

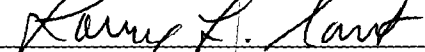
**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on

Date 2/12/03

  
Arlette Porter-Sherley

Respectfully submitted:

  
Larry L. Saret, Esq.  
Susan A. Slater, Esq.  
MICHAEL BEST & FRIEDRICH LLC  
401 North Michigan Avenue Suite 1900  
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Attorneys for Opposer  
Unimax Toys Limited

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**GENERAL CREATION, INC.**

**601 State Street, Suite 500**

**Bristol, Virginia 24201**

**Tel: 276/669-3755**

**Fax: 276/669-0948**

January 15, 2003

Larry L. Saret  
Michael, Best & Friedrich LLC  
401 North Michigan Avenue  
Suite 1900  
Chicago, Illinois 60611

**Re: Tender Touch Trademark**

Dear Mr. Saret:

We received today your "Opposer's First Set of Interrogatories to Applicant (Nos. 1-24)" concerning the "Tender Touch" trademark. Almost two years ago we began developing a doll with the name "Tender Touch". Almost a year and a half ago we determined not to use that name. We would like to take whatever action necessary to have this entire process dismissed and by this letter we are instructing our attorney Leslie S. Blanchard, Penn, Stuart & Eskridge, P. O. Box 2288, Abingdon, Virginia 24212 to take any action necessary to terminate our trademark application for Tender Touch.

Yours truly,



Kenneth R. Russell, Jr.

/rwm

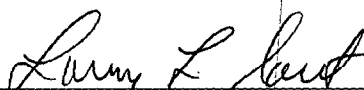
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing OPPOSER'S MOTION FOR  
DEFAULT JUDGMENT was served on Applicant at the following addresses:

Kenneth R. Russell, Jr.  
GENERAL CREATION, INC.  
601 State Street, Suite 500  
Bristol, Virginia 24201

Leslie S. Blanchard  
PENN STUART & ESKRIDGE  
P.O. Box 2288  
Abingdon, Virginia 24212

via first class mail, postage prepaid, February 12, 2003.

  
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Attorney for Opposer